

the Adjutant General, they cease any longer to be under the State control. If this amendment to the article is passed, it will apply to the soldiers during that preliminary period; and that is the only period, I contend, in which this article is applicable to them.

Mr. THRUSTON. I think the language used here is eminently happy and proper, and I think it meets every contingency. In the first place, what is the meaning of the words "by law?" Of course they mean, by the laws of the State of Maryland. They have no other meaning than that. Now what is the law of the State of Maryland on the subject? The law of the State of Maryland is, in all cases, no matter what soldiers they are, whether of the State or of the nation, subservient to the law of Congress. When the laws of Congress come in conflict with them, the laws of the State give way. The words "by law" cover every case that may arise; and therefore I say they are proper to be used here. If these are soldiers under the authority of the General Government, Congress has supreme control over them; and that control is our law, our supreme law; whereas if they are our State soldiers, the words "by law" include the laws of the State of Maryland. So that this expression covers every case.

If you want the article to refer only to the soldiers of the State, it will require a further amendment of the Constitution, so as to read that "no soldier in the service of the State, in time of war shall be quartered except in the manner prescribed by law." As it now stands it will meet every possible case. It applies to the State soldier, and it applies to the soldier under the authority of the General Government, where the law of Congress prescribes the mode and manner. I do not think the article can be better expressed than it is.

Mr. THOMAS. In reply to the gentleman from Prince George's (Mr. Clarke,) I will state further that in section 4, article 4, of the Constitution of the United States, it is provided that the United States shall guaranty to every State of this Union a republican form of government, and shall protect each of them against invasion, and on the application of the Legislature, or of the Executive when the Legislature cannot be convened, against domestic violence.

This provision as reported by the committee says that no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law." There is no time in time of war when the State of Maryland has any soldiers at all, unless it is to protect itself from invasion or domestic insurrection. And under this 4th section of the 4th article of the Constitution of the United States, the United States Government is

bound to protect the State of Maryland, and has protected the State of Maryland and other States from invasion and insurrection. The troops raised by the State of Maryland for its protection, come under the general provisions of the laws of the United States. In the war of 1812, the city of Baltimore raised its own defenders to protect the city, and Maryland troops were raised to go to Bladensburg. They went under colonels appointed by State authority, but under the general supervision of the laws of the United States, and were in the United States Army for the time being. I say there is no conflict, and it would be a piece of absurdity on our part to say that after State troops have been raised by the State and put into the army of the United States, the State of Maryland by its Legislature should have the power to pass any law regulating the mode and manner in which they should be quartered while in the State.

Mr. MARBURY. I move to amend the amendment by inserting the words "raised in the State of Maryland" after the word "soldier." When raising of soldiers in the State of Maryland is a matter of State authority, I conceive that the Legislature of the State have entire control over it, and I want to leave the control with the Legislature of the State of Maryland. When the soldiers are raised by the authority of the General Government, then I conceive that the Constitution of the United States and the laws made in pursuance of the Constitution of the United States will provide for it. I think that will do away with the whole difficulty which seems to arise from the fact that members think that soldiers raised in the State of Maryland can be controlled by the United States Government. I conceive that so long as they are in the incipient stage of preparation for the General Government, they are to be left under the control of the State Legislature. I offer this amendment to make it more clear that they are exclusively under the control of the State of Maryland. Then it will follow as a necessary consequence of this clause, under the old Latin maxim, "*expressio unius est exclusio alterius*." I want this amendment inserted with the view of making it clear that we do not in this provision, in any shape or form, interfere with the constitutional affairs of the General Government.

Mr. STOCKBRIDGE. Is not this an original amendment rather than an amendment to the amendment? It does not relate to any part of the amendment but to another part of the article.

The PRESIDENT overruled the amendment to the amendment.

Mr. CLARKE. The provision in the Constitution of the United States does not at all conflict with the views I expressed with regard to the authority of the Federal Government and of the State. I admit that by the article of the Constitution of the United